

**TOWN OF DAVIE  
REGULAR MEETING  
JUNE 7, 2006**

**1. PLEDGE OF ALLEGIANCE**

The meeting was called to order at 7:00 p.m. and was followed by the Pledge of Allegiance.

**2. ROLL CALL**

Present at the meeting were Mayor Truex, Vice-Mayor Crowley and Councilmembers Caletka, Paul and Starkey. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

**3. OPEN PUBLIC MEETING**

Mayor Truex advised of the rules for the Open Public Meeting.

Damiano Pignato, 6920 SW 56 Court, asked Council to consider rolling back taxes.

Helen Woods complained about ongoing difficulties she experienced with the Town's bus service. Councilmember Caletka advised of the previous meeting where Council had addressed the owner of the green route service. Ms. Woods stated there were also issues with the blue route.

Fred Segal announced his candidacy for the Broward County Soil and Water Conservation Board.

Art Barriga, 5900 SW 52 Terrace, advised that the Stirling Mobile Home Park owner had not informed residents of her intent to sell the park. He felt residents should have been given more relocation compensation and a year to move, instead of six months. Mr. Barriga asked Council to intervene. Councilmember Starkey felt this was a serious issue and there should be some method to file an injunction on behalf of these residents. Councilmember Paul spoke of a letter that the Town's Housing and Community Development Department had sent to the Seminole Tribe citing the law and the exit plan. Mr. Cohen advised that Mr. Kiar was looking into this issue to see what the Town's rights were.

Brandy Caradonna, 5841 SW 53 Avenue, spoke on behalf of her neighbors and asked for Council's help on their forced relocation.

John Taffoni, 5800 SW 53 Avenue, asked Council to intervene and help residents of Stirling Mobile Home Park with regard to the impending sale.

John Ladue voiced his concerns about a well. Mayor Truex asked if Mr. Ladue had spoken with anyone on staff about this matter. Mr. Ladue advised that he had spoken with South Florida Water Management District. Mr. Cohen suggested that Mr. Ladue speak with the Town's Engineer.

Donna Hatter objected to the sale of the Stirling Mobile Home Park.

Maria Carrasco asked for the Town's help with relocation.

Russell Kelly, 15010 Tetherclift Street, commended Police Chief John George for his help in his community.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, asked for Council's help on the Seminole Hard Rock property noise issue. She referred to a letter from Congressman Shaw urging Council to deal with this issue, along with a letter signed by Governor Bush indicating this problem needed to be resolved by the locally elected officials. Councilmember Caletka advised of a meeting he had attended where Representative Ryan advised that he would hold a meeting to try to settle this issue amicably. Councilmember Caletka indicated that he had received an email from Senator Geller who was unwilling to address this issue. Councilmember Caletka stated that Congresswoman Debbie Wasserman-Schultz would hold a meeting with the president of the Seminole Nation.

Lloyd Phillips, 14220 SW 29 Court, asked for Council's help with the Bagwell property. Mr. Cohen advised that staff had gone out to view the property to note any Code enforcement issues. He assured Council that staff was following up on this issue.

A resident of Davie asked for Council's help relocating from Stirling Mobile Home Park.

Diane Cummings asked for help relocating her mobile home to another park.

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Robert Belizare, a Fire Department employee, spoke of contract negotiation difficulties which the Town needed to address with the fire union. He discussed the low morale and poor conditions at Station 68 and complained about the high cost of insurance for Davie firefighters. Mr. Belizare voiced concerns about the amount of money being paid to consultants and questioned what these consultants were doing. He invited Council to meet with employees to discuss these issues. He spoke of investigations by the fire union into spending by the Fire Department's Administration. Mr. Belizare offered the union's help to residents of Stirling Mobile Home Park.

A resident of Stirling Mobile Home Park introduced several children who lived at the park.

A resident of Stirling Mobile Home Park also spoke on behalf of his neighborhood.

Mayor Truex advised residents of Stirling Mobile Home Park that he and Mr. Cohen had met with Max Osceola and other officials of the Seminole Tribe. He assured residents that the Town was on their side and he would personally ask for a relocation extension. Mayor Truex explained that ultimately, the Town did not have the final say on what happened and that this was up to a judge to decide. He felt that realistically, there would be no perfect solution such as staying in the park on a long-term basis.

Housing and Community Development Director Shirley Taylor-Prakelt advised that her office was working to ensure all resident's rights were protected. She had asked the Seminole Tribe to provide an exit plan within ten days that would explain what benefits would be provided to ensure residents found comparable and safe housing. Ms. Taylor-Prakelt spoke of a recent letter from the Seminole Tribe indicating their officials were looking into other options to help residents. She urged residents to continue paying their rent and mortgage while this matter was being addressed. Mayor Truex asked Ms. Taylor-Prakelt to hold a community meeting with the residents of Stirling Mobile Home Park. Councilmember Starkey urged residents to keep paying their mortgage to protect their credit standing. She advised that all other issues would be addressed in community meetings. Councilmember Caletka also assured residents of efforts he would take to help.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to "adamantly stop the Seminole Tribe from trying to annex that property in the future." In a voice vote, all voted in favor. (Motion carried 5-0)

Barbara Cassidy, 8580 SW 17 Street, asked for the Town's assistance regarding her mobile home, which remained unfinished. Mr. Cohen recommended that Ms. Cassidy speak with Ms. Taylor-Prakelt who could ascertain what the Town should do on this issue.

Donna Evans announced an upcoming Police Athletic League (PAL) fundraiser featuring the Miami Dolphins and added that the PAL would hold its first boxing bout on June 24th. She advised of an event to be held on July 4, in partnership with Teen Challenge. Councilmember Starkey advised Ms. Evans that she had received a check for PAL from the Prestige Club.

Mayor Truex announced that items 6.9 and 6.10 were requested to be tabled to July 19, 2006.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 4.20 needed to be added to the agenda.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to add. In a voice vote, all voted in favor. (Motion carried 5-0)

6.5 Councilmember Starkey advised that House Bill 7121 regarding generators had been recently signed by Governor Bush. She explained that this new law pre-empted any municipality from taking additional steps beyond the House Bill's stipulation.

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Councilmember Starkey made a motion, seconded by Mayor Truex, to withdraw. In a voice vote, all voted in favor. (Motion carried 5-0)

**4. APPROVAL OF CONSENT AGENDA**

*Minutes*

- 4.1. March 29, 2006 (Regular Meeting) (tabled from May 17, 2006)
- 4.2. April 18, 2006 (Special Meeting)

*Resolutions*

- 4.3. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING  
R-2006-153 THE PLAT KNOWN AS “WESTRIDGE OAKS” AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR’S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (Tabled from May 17, 2006) (P 5-4-05, Westridge Oaks, 4450 South Flamingo Road) *Planning and Zoning Board recommended denial*
- 4.4. **AMENDED AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-154 FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A LEASE AMENDMENT TO AN EXISTING LEASE AGREEMENT BETWEEN THE TOWN OF DAVIE AND AMERICAN TOWER CONCERNING THE MONOPOLE TELECOMMUNICATIONS TOWER LOCATED AT 3800 SW 92 AVENUE; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.5. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-155 APPROVING PHASE I OF THE REGIONAL ACTIVITY CENTER (RAC) MASTER PLAN AS DETAILED IN THE SCOPE OF SERVICE AGREEMENT AND AUTHORIZING PAYMENT FOR PHASE I TO EDWARD D. STONE AND ASSOCIATES (EDSA); AND TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID RESOLUTION; AND PROVIDING FOR AN EFFECTIVE DATE.
- 4.6. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA  
R-2006-156 AUTHORIZING THE TOWN COUNCIL OF THE TOWN OF DAVIE, TO ACCEPT FCC FORM 394 SUBMITTED BY BELLSOUTH ENTERTAINMENT, LLC; PROVIDING FOR AN EFFECTIVE DATE.
- 4.7. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING  
R-2006-157 THE APPROPRIATE TOWN OFFICIALS TO ACCEPT THE BID RECOMMENDATION FOR THE “SHADE STRUCTURES” AT BAMFORD SPORTS COMPLEX (Industrial Shadeports - \$99,000; not budgeted)
- 4.8. **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE  
R-2006-158 BID FROM WEEKLEY ASPHALT PAVING, INC., FOR ASPHALT OVERLAY.

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- 4.9. **BIDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE  
R-2006-159 BIDS AWARDED BY BROWARD COMMUNITY COLLEGE FOR SOD / SOD  
INSTALLATION, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP  
BID NO. 206-001.
- 4.10. **BIDS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE  
R-2006-160 BIDS AWARDED BY THE CITY OF CORAL SPRINGS FOR DIESEL FUEL #2,  
LOW SULFUR, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP  
BID NO. 06-a-098.
- 4.11. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-161 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE  
TOWN AND ATRIUM PERSONNEL, INC. D/B/A TRANSHIRE FOR TEMPORARY  
OFFICE PERSONNEL.
- 4.12. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE,  
R-2006-162 FLORIDA, APPROVING AN EXTENSION TO THE CONTRACT BETWEEN THE  
TOWN AND PROFESSIONAL CONCESSIONS INC, FOR CONCESSIONAIRE  
SERVICE AT THE BERGERON RODEO GROUNDS.
- 4.13. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
APPROVING THE CONTRACT AWARDED BY THE TOWN OF PEMBROKE  
PARK (RESOLUTION #05-09-04) TO CRAIG A. SMITH & ASSOCIATES FOR  
LOCATING AND MARKING UNDERGROUND FACILITIES.
- 4.14. **EASEMENTS** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-163 ACCEPTING CERTAIN EASEMENTS FROM DMS GENERAL CONTRACTOR  
INC, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.
- 4.15. **SCHOOL SITES** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,  
R-2006-164 SUPPORTING EFFORTS OF THE SCHOOL BOARD AND THE TOWN IN  
COLLABORATING ON THE LOCATION, FUNDING AND CONSTRUCTION OF  
SCHOOL SITES ALONG THE SR7/441 CORRIDOR IN THE TOWN OF DAVIE

*Temporary Use Permit*

- 4.16. TU 4-1-06, Harvest Fellowship/Holiday Charities, 6770 Stirling Road  
4.17. TU 5-3-06, Escape at Arrowhead, 2100 SW 81 Street

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*Quasi-Judicial Consent Agenda*

- 4.18. MSP 9-1-05, Westridge Oaks, northeast corner of Flamingo Road and Orange Drive (AG) April 25, 2006 - *Site Plan Committee recommended approval based on the planning report with number five - the power line issue being unresolved; that the two Phoenix Reclinata 16-foot overall be replaced with one specimen Phoenix Reclinata, 28-to 30-foot overall, twelve stem minimum; substitute Mahogany Trees with Pigeon Palms; to provide two [landscape] plans for the townhouses; change the six Live Oaks flanking the entrance from 16-foot overall to 22-foot overall. (Motion carried 2-1, subject to Resolution R-2001-209, this item was automatically tabled) May 9, 2006 - Site Plan Committee recommended approval of a combination of two plans, one being plan number two which indicated a "separate drive aisle" on the west side and secondly, the new plan which indicated a "100-foot of green area" on the south side. (Motion carried 2-1; Mr. Kiar established that the vote would be the same at the next meeting and, therefore, opined that this item should be moved forward)*
- 4.19. SP 11-4-05, Long Key Nature Center, generally located on the southeast corner of Flamingo Road, SW 36 Court, and SW 130 Avenue (RS Recreation/Open Space) May 9, 2006 - *Site Plan Committee's recommendation: to approve based on the latest revisions which included a small landscape plan which showed hedge material along 130th Avenue and continuing into the maintenance area (showed fence and hedge and did not specify type of hedge material)*

*Item to be added*

- 4.20. A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE  
R-2006-165 MAYOR OR HIS DESIGNEE TO CONTACT THE APPROPRIATE OFFICIALS OF THE SEMINOLE INDIAN TRIBE OF FLORIDA AND FORMULATE PROCEDURES AND POLICIES TO ADDRESS NOISE DISTURBANCE EMANATING FROM THE SEMINOLE HARDROCK CASINO.

Councilmember Paul pulled items 4.1, 4.3, 4.18 and 4.19. Councilmember Caletka pulled items 4.7 and 4.11. Councilmember Starkey pulled item 4.15. Mayor Truex pulled items 4.13, 4.17 and 4.20.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve the Consent Agenda minus items 4.1, 4.3, 4.7, 4.11, 4.13, 4.15, 4.17, 4.18, 4.19 and 4.20. In a voice vote, all voted in favor. (Motion carried 5-0)

**5. DISCUSSION OF CONSENT AGENDA ITEMS**

4.19 Mayor Truex turned this portion of the meeting over to Mr. Kiar.

Abbas Zackria, representing Broward County, was present.

Councilmember Paul asked if the same "drive" currently there would be used or moved to the north. Mr. Zackria advised that it would remain and confirmed that it would be wide enough to handle the equipment. He advised that only maintenance staff would maintain the property.

Vice-Mayor Crowley stated that he had attended the Site Plan Committee meeting where concerns were aired about buffering. He asked if this had been improved. Mr. Zackria advised that the building height would be lowered and they had proposed that a hedge alongside the fence be planted as well as providing slats in the fence.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. No disclosures were made.

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Councilmember Paul made a motion, seconded by Vice-Mayor Crowley, to approve subject to changes that were made and Site Plan Committee recommendations to better screen the maintenance area. In a voice vote, all voted in favor. (Motion carried 5-0)

4.1 Councilmember Paul and Councilmember Caletka made corrections to the minutes.

Councilmember Paul made a motion, seconded by Mayor Truex, to approve subject to changes made on the minutes. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3, 4.18 and 6.1 Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. Deputy Planning and Zoning Manager Marcie Nolan summarized the planning report.

Vice-Mayor Crowley asked for clarification on the 121st Avenue issue. Ms. Nolan advised that the developer had agreed to modify the plan to show a “right-out” only. Vice-Mayor Crowley asked about the corridor along the east side of 121st Avenue. Ms. Nolan advised that landscape plans had also been revised to show this as a tree canopy street.

Dennis Mele, representing the applicant, asked for the record from the May 17th meeting to be part of the record of the current meeting. Regarding 6.1, Mr. Mele advised that dry cleaning would be added to the list of prohibited uses. Mr. Mele read the listing of prohibited uses from the property. Mayor Truex asked that sexually oriented businesses and gambling, except the Florida Lottery, also be added to the list of prohibited uses.

Mr. Mele stated that the right hand driveway onto Orange Drive had been removed. Councilmember Paul was concerned about a left turn where traffic went over the bridge on Griffin Road. She was also concerned about tractor-trailers or delivery trucks trying to cut corners and bringing more truck traffic onto Orange Drive. Mr. Mele advised that he would include language in documents stating that delivery trucks would be directed toward Flamingo Road entrances and exits and not Orange Drive.

Mr. Mele spoke of other modifications including the addition of live oaks along the roadway. He advised that good parking had been achieved per the Town Engineer’s request. Mr. Mele referred to staff recommendation #5 concerning relocation of power lines on Orange Drive and Flamingo Road underground. He advised that the developer was willing to pay its fair share for the undergrounding of lines along its property whenever the whole area was being done.

Councilmember Paul asked if the proposed equestrian crossing was bonded. Mr. Mele advised that the crossing was still proposed for the current location if the traffic light could be installed there. Councilmember Paul spoke of a suggestion to install a bridge as a crossing. Mr. Mele stated that the developer’s calculations did not include any bridges. Councilmember Paul advised that the Town had other plans under consideration. Mr. Mele indicated that the developer would petition the Florida Department of Transportation (FDOT) for a traffic signal at this location. Mayor Truex felt the crossing was better located further to the south near Linear Park.

Jeff Liss, also representing the applicant, explained that the recommendation was made to place the trail along 123rd to where it was currently indicated. He advised of ongoing discussions about meetings with FDOT to determine the logistics of placing a pedestrian and equestrian crossing from the Linear Park at Orange Drive across Flamingo Road. Councilmember Paul advised that one of the Town’s crossing plans included a flashing light designed for a road of this nature. Mr. Liss felt more would be required than this to stop cars going southbound on Flamingo Road. Mr. Mele committed that if FDOT allowed both sets of traffic signals, the applicant would install both. Mayor Truex asked if the applicant would commit to both the traffic signal and the equestrian crossing if FDOT approved this. Mr. Mele advised that the applicant would commit to do both. Mayor Truex asked about the timeline for building the commercial and residential units. Mr. Mele advised the applicant intended to build at the same time.

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In response to Vice-Mayor Crowley's question, Mr. Mele advised that Stiles would hire a contractor to build the residential units. Vice-Mayor Crowley asked why a conduit could not be placed along the entire parcel on Orange Drive ahead of time so the whole corridor would have lines buried at the same time. Mr. Mele advised he would arrange to get a conduit from FPL. Vice-Mayor Crowley requested guardrails at the two entrances on 121st Avenue. Mr. Mele advised there would be a guardrail along the east side of 121st Avenue parallel to the road, and one on the south side of Orange Drive.

Councilmember Paul asked that a company be hired to trap animals and relocate them to a safe place. Mr. Mele agreed with this request.

Mr. Kiar opened the public hearing portion of the meeting.

Anita Salati, 11938 Acorn Road, opposed the project and wanted assurance that residential units would in fact be built instead of only commercial buildings. She wanted residents adjacent to the property to have input on what landscaping went along the canal. Ms. Salati requested that a guardrail be placed all along the canal.

Sarah Sceinman, 11919 SW 42 Court, opposed the project and was concerned about the exit onto Orange Drive where she feared traffic collisions might happen.

Claudette Bonville, 11872 SW 42 Court, recommended that a median be built to force people to make a right turn off 121st Avenue.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures. Council indicated that their disclosures were the same as at the last meeting. Councilmember Starkey also advised she spoke with an individual earlier that day [name was inaudible].

Mr. Mele advised he would add the traffic separator at 121 Avenue and Orange Drive as requested.

Councilmember Paul voiced her concerns about the use of flex units and was sorry the coach home concept had not been considered. She was also concerned about the height of the commercial buildings and the entrance on Orange Drive. Mayor Truex felt this was not the right location for townhouses.

4.3 Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve with no entrances on Orange Drive except for at 121 Avenue.

Mr. Kiar swore in Fire Chief Don DiPetrillo. Chief DiPetrillo urged Council not to close access on Orange Drive which he felt was needed for public safety.

Councilmember Starkey withdrew her second. The motion died for lack of a second. Councilmember Starkey asked about the possibility of providing access through a stabilized ground cover to be used only in emergencies.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve as proposed with the entrance on Orange Drive. In a voice vote, with Councilmember Paul and Mayor Truex opposed, all voted in favor. (Motion carried 3-2)

4.18 Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve subject to additional conditions agreed to by the applicant and subject to conditions being added as a note to the Site Plan. In a voice vote, all voted in favor. (Motion carried 5-0)

6.1 Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve subject to additional conditions agreed to by the applicant and subject to conditions agreed to at the previous meeting. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; and Councilmember Starkey - yes. (Motion carried 3-2)

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4.7 Councilmember Caletka confirmed that this purchase was to be reimbursed by FEMA.

Councilmember Caletka made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Councilmember Caletka was in favor of the contract with a 3% increase instead of 4%. Mr. Cohen advised that staff would contact the vendor and if there was an issue, the contract would return to Council.

Councilmember Caletka made a motion, seconded by Councilmember Starkey, to approve the contract subject to a 3% increase only, as opposed to a 4% increase. In a voice vote, all voted in favor. (Motion carried 5-0)

Councilmember Starkey asked for information on how many temporary workers were used and in what departments. Mr. Cohen indicated that this information would be provided.

4.13 Mayor Truex asked how much the Town's contract would be worth. Acting Utilities Director Bruce Taylor advised the Town's contract was worth \$84,000 per year and that the Pembroke Park contract was \$150,000 per year. He advised that this contract was for one year and would be put out for formal bid at the expiration. Mayor Truex felt this was not a piggyback contract but instead a disguise to not bid the work out. He questioned how the contract could expire. Mr. Cohen advised that contracts were tracked but did not know why the contract had expired.

Mayor Truex asked if the contract could be extended on a temporary basis until it was bid. Mr. Cohen responded in the affirmative. Vice-Mayor Crowley agreed.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to extend the contract for only six months to give the Town time to go out for bid. Mr. Cohen advised that the Town could do the work but not as well as an outside organization would.

Vice-Mayor Crowley suggested that the item be tabled and made a motion to table to the next meeting [June 21, 2006]. Councilmember Starkey seconded the motion.

Mayor Truex thought that the motion to table took precedence over the first motion. In a voice vote, all voted in favor. (Motion carried 5-0)

4.15 Councilmember Starkey voiced her concern about language in the resolution stating the Town would be involved with funding of school sites, which she felt was the sole responsibility of the School Board through impact fees. Mr. Cohen explained that if the Town had to put up any funds to acquire sites, the School Board would come back and compensate the Town with the school impact fees. Ms. Nolan indicated that the reference to funding could be removed. Councilmember Starkey stated the Town was not in the position to go out and acquire school sites for the School Board. Ms. Nolan explained that currently, the School Board was unable to acquire sites quickly enough. She spoke of the need for additional schools and the impact upon residents. Ms. Nolan indicated that through a tri-party agreement, the Town could acquire a school site, and then the County would collect the fees, which would be returned to the Town to recoup the Town's costs. She reminded the Town that as of last year, the number of students trigger resulted in a \$60 million school impact fee. Staff needed Council to understand the staggering numbers it was working with and what it was hearing back from the School Board. Councilmember Starkey was concerned that there were no guarantees the School Board would use sites acquired by the Town. Ms. Nolan assured Council that the tri-party agreement ensured the School Board would in fact build schools on sites acquired. Councilmember Starkey reiterated her view that the School Board should not hold a gun to the Town's head or have this type of authority over local land use.

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She felt confident that the transit-oriented corridor would be approved by the County with or without the School Board's approval.

Mayor Truex asked how the Town would pay for school sites. Mr. Cohen advised the Town would have to bond to build additional infrastructure in the future and that this would be a portion of that effort.

Councilmember Paul made a motion, seconded by Councilmember Starkey, to approve subject to removing the word "funding" from the resolution title and in the third "Whereas" clause, dropping language stating "locating school sites and ensuring that schools were available." In a voice vote, all voted in favor. (Motion carried 5-0)

4.17 Planning and Zoning Manager Bruce Dell explained the request.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Mr. Cohen provided background on this issue and explained that the current resolution was generated by Mr. Kiar to be forwarded to the Seminole Tribe.

Karen Stenzel-Nowicki, 5480 SW 55 Avenue, requested that the term "noise disturbance" be changed to include the term "nuisances" which would allow the Town to address each violation.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to approve subject to changing the term "noise disturbance" to "noise disturbance/nuisance". In a voice vote, with Councilmember Paul out of the room, all voted in favor. (Motion carried 4-0)

## 6. PUBLIC HEARING

### *Ordinance - Second and Final Reading*

- 2006-15 6.1. **REZONING/FLEX UNITS - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION FX 7-1-05 WESTRIDGE OAKS, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM: AG, AGRICULTURAL DISTRICT; TO: B-2, COMMUNITY BUSINESS DISTRICT, R-1, ESTATE DWELLING DISTRICT, AND RM-5, MULTI-FAMILY LOW MEDIUM DWELLING DISTRICT THROUGH THE ALLOCATION OF 44 RESIDENTIAL FLEXIBILITY UNITS IN ACCORDANCE WITH THE ADMINISTRATIVE RULES DOCUMENT OF THE BROWARD COUNTY LAND USE PLAN; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 7-6-05 and FX 7-1-05, Stiles Development Company/Moersch, northeast corner of Flamingo Road and Orange Drive) *Planning and Zoning Board recommended denial {Approved on First Reading May 17, 2006 - all voted in favor, with Mayor Truex and Councilmember Paul dissenting}***

This item was approved earlier in the meeting.

### *Resolution*

- 6.2. **CAPITAL PROJECTS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ADOPTING THE 5-YEAR CAPITAL PROJECTS PROGRAM FOR THE TOWN OF DAVIE FOR FISCAL YEARS 2007- 2011.**

Town Clerk Muniz read the resolution by title.

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Mr. Cohen advised that the Charter required that the five-year capital plan be presented to Council at the first meeting in June. He added that this could be tabled to allow Council to hold its relevant workshops first.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to table to July 5, 2006. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Ordinances - First Reading (Second and Final Reading to be held June 21, 2006)*

6.3. **BUDGET AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR THE FISCAL YEAR 2006.**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the June 21, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Mr. Cohen explained that funds were expended over the course of the year and that the Town had to take funds out of reserves to cover post-hurricane expenditures in the sum of \$2.5 million, which would have to be rebuilt. Budget and Finance Director Bill Underwood explained that the reserves would decrease to about \$9 million but would be rebuilt again.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

6.4. **CODE AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING CHAPTER 12, CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT CODE", BY AMENDING ARTICLE XI THEREOF, ENTITLED "DEVELOPMENT REVIEW PROCEDURES", BY AMENDING DIVISION 3 THEREOF ENTITLED "IMPROVEMENTS", SEC. 12-329 BY REVISING TEXT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the June 21, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

In response to Councilmember Starkey, Town Engineer Larry Peters explained that the ordinance concerned building certificates of occupancy which were not issued by Council. Councilmember Starkey wanted any special conditions to have Council approval. Mr. Peters stated this would be the case.

Vice-Mayor Crowley requested that language be amended to state "certified by a registered engineer of the State of Florida." Mr. Cohen recommended changing the language as follows: "actual contractual value certified by a Florida engineer." Council agreed.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve subject to language changes as recommended by Council. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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- 6.5. **GENERATOR REQUIREMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, CREATING DAVIE TOWN SECTIONS 12-34(y)(6), 12-34(y)(7), 12-34(y)(8), 12-34(y)(9), 12-34(y)(10) AND 12-34(y)(11), REQUIRING EACH RETAIL GASOLINE STATION ON OR AFTER A SPECIFIED DATE TO BE EQUIPPED WITH A BACKUP POWER SYSTEM OR ALTERNATIVE PUMPING SYSTEM SO THAT EACH OF THE GASOLINE STATION'S FUEL PUMPS MAY BE OPERATED IN THE EVENT OF A POWER OUTAGE; PROVIDING THAT GASOLINE STATIONS LOCATED ON THE GROUNDS OF, OR OWNED BY ANOTHER RETAIL ESTABLISHMENT WOULD BE INCLUDED; PROVIDING FOR AUTHORIZATION TO EXEMPT CERTAIN GASOLINE STATIONS FROM THE REQUIREMENT OF THIS SECTION; PROVIDING FOR APPEAL; PROVIDING A PENALTY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE TOWN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

This item was withdrawn earlier in the meeting.

- 6.6. **RATE AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA AMENDING THE TOWN'S OCCUPATIONAL LICENSE RATE SCHEDULE IN ACCORDANCE WITH CHAPTER 205.0535(4) OF THE FLORIDA STATE STATUTES BY INCREASING THE RATE OF EACH CLASSIFICATION BY FIVE PERCENT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the June 21, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

- 6.7. **VACATION** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING VACATION PETITION VA 3-1-06, VACATING PORTIONS OF ROAD RIGHT-OF-WAY FOR SOUTHWEST 26<sup>TH</sup> STREET AS SHOWN ON THE PLAT OF UNIT "E" FLAMINGO GROVES, AS RECORDED IN PLAT BOOK 15, PAGE 5, OF THE PUBLIC RECORDS OF BROWARD COUNTY AND ON THE PLAT OF FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1, AS RECORDED IN PLAT BOOK 2, PAGE 17, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Earlier in the meeting, Town Clerk Muniz read the ordinance by title. Mayor Truex announced there would be a public hearing on this ordinance at the June 21, 2006 meeting.

Mayor Truex opened the public hearing portion of the meeting.

John Voight, representing the applicant, summarized the request.

Ron Ernest Jones, representing the south property owner, explained how this variance would affect the project. To make a better plan, the property owners were happy to provide a landscape easement of some type but an interpretation was being made regarding the dedication of a ten-foot landscape easement from the open space. Mr. Jones advised that the actual integrity of the plan was

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jeopardized if the ten-foot landscape buffer was imposed as exclusive of the lot sizes. Ms. Nolan advised that re-dedication language referred to the area as “open space” or “recreational trail” not as right-of-way or any type of public easement. For added clarification, Mr. Kiar read from a document entitled “Restrictions”.

Jim Williams, 12942 SW 26 Street, thanked all parties concerned with this issue.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

*Quasi Judicial Item*

6.8. **VARIANCE - V 7-3-05, DuPont, 3344 Meadowbrook Way (tabled from May 3, 2006) May 10, 2006, Planning and Zoning Board recommended denial**

Earlier in the meeting, Mayor Truex turned this portion of the meeting over to Mr. Kiar. Mr. Kiar read the rules of evidence and swore in the witnesses. Planning and Zoning Manager Bruce Dell read the planning report.

Mr. Dupont explained the need for the variance. Councilmember Paul spoke of an email she received from a neighbor who opposed the variance. Mr. Dupont indicated his request for a tabling.

Mr. Kiar opened the public hearing portion of the meeting.

Mike Reddington, 3314 Meadowbrook Way, wanted his homeowner’s association to approve the request before the variance went further. He read from a statement opposing this variance.

Mr. Kiar swore in Development Services Director Mark Kutney. Mr. Kutney explained that it has been Council’s policy to have feedback from a homeowner’s association prior to taking action; however, the variance request could be granted without the homeowner’s association approval.

Mr. Kiar closed the public hearing and turned this portion of the meeting over to Council for disclosures.

Councilmember Paul advised she had received an e-mail with Mr. Reddington. Councilmember Starkey advised she had received emails from the president of the homeowner’s association and had spoken with the architectural committee for Long Lake, residents, neighbors and staff, and had received two emails. Councilmember Caletka advised he may have received an email but he had not read it yet.

Councilmember Starkey was in favor of tabling this item as opposed to denying it and wanted to respect the wishes of the homeowner’s association. Mr. Reddington was willing to work something out if this item was tabled.

Councilmember Starkey made a motion, seconded by Mayor Truex, to table to the first meeting in August (August 2, 2006). In a voice vote, with Councilmember Caletka dissenting, all voted in favor. (Motion carried 4-1)

*Items to be Tabled*

6.9. **PLANNING AND ZONING BOARD TABLED TO JUNE 14, 2006; COUNCIL CAN TABLE TO JULY 19, 2006**

V 2-1-06 O’Connor, 2273 SW 132 Way

This item was tabled earlier in the meeting.

6.10. **PLANNING AND ZONING BOARD TABLED TO JUNE 14, 2006; COUNCIL CAN TABLE TO JULY 19, 2006**

V 2-2-06 Rousseau, 2461 SW 131 Terrace

This item was tabled earlier in the meeting.

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**7. APPOINTMENTS**

7.1. Mayor Truex

- 7.1.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

No appointment was made.

- 7.1.2. Agricultural Advisory Board (one exclusive appointment - term expires April 2008) (insofar as possible, members shall have experience in agricultural matters, related occupations or other similar skills)

No appointment was made.

- 7.1.3. Open Space Advisory Committee (one exclusive appointment - term expires April 2008)

Mayor Truex appointed Jeff Dudley.

- 7.1.4. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.1.5. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.6. Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood.)

Mayor Truex appointed John Pisula and Mike Holderfield.

7.2. Vice-Mayor Crowley

- 7.2.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.2.2. Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

Vice-Mayor Crowley appointed Sharon Zane and Barbara Tilley.

7.3. Councilmember Caletka

- 7.3.1. Airport/Transportation Advisory Board (one exclusive appointment - term expires December 2006)

Councilmember Caletka appointed Ernest Siegrist.

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- 7.3.2. Open Space Advisory Committee (one exclusive appointment - term expires April 2008)

Councilmember Caletka appointed Christine Pellicane.

- 7.3.3. Youth Education and Safety Advisory Board (two exclusive appointments - terms expire April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointments were made.

- 7.4. Councilmember Starkey

- 7.4.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.5. Site Plan Committee (one exclusive appointment per Councilmember; terms expire June 2007) (members must be residents of the Town and, whenever possible, should be an architect, landscape architect and an urban planner or designer)

Councilmember Paul appointed Julie Aitken. Councilmember Starkey appointed Bob Breslau. Mayor Truex appointed Jeff Evans. Vice-Mayor Crowley appointed James Aucamp, Jr.

- 7.6. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

- 7.7. Affirmation of the Community Redevelopment Agency's Selection of Chair and Vice-Chair (Chair - Mark Engel; Vice-Chair - Neal Kalis)

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to reaffirm Mark Engel as Chair and Neal Kalis as Vice-Chair. In a voice vote, all voted in favor. (Motion carried 5-0)

**8. OLD BUSINESS**

Councilmember Caletka confirmed that the Town was moving forward with language on the petition for the writ of mandamus against the Seminoles. He asked about the meeting with the Broward Sheriff's Office. Mr. Cohen advised that this meeting was being scheduled. Councilmember Caletka asked that the date be provided at the next Council meeting.

Mayor Truex advised that the Seminoles had committed to hiring an acoustical engineer to review the setup to see if there was anything that could be done with the physical layout. Vice-Mayor Crowley stated that he was ready to move as many promises had been made.

**9. NEW BUSINESS**

- 9.1 Discussion of July Council Vacation

Councilmember Starkey indicated that she already had plans made for the beginning of July. Councilmember Paul was in favor of having two meetings back to back in July to allow for a longer stretch of time for staff to get caught up or to take vacation. Mayor Truex indicated that he was not in

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favor of rescheduling. Councilmember Starkey recommended that this issue be discussed earlier in the year.

Councilmember Paul made a motion, seconded by Councilmember Caletka, to have two meetings back to back, one on July 19 and the other on Tuesday [July 25] or Thursday [July 27]. In a roll call vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Crowley - no; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion failed 2-3)

**10. MAYOR/COUNCILMEMBER'S COMMENTS**

**VICE-MAYOR CROWLEY**

**STIRLING MOBILE HOE PARK.** Vice-Mayor Crowley wanted to place a resolution to oppose any attempt by the Seminole Tribe to annex the Stirling Mobile Home Park on the next agenda.

**COUNCILMEMBER CALETKA**

**GROUP HOMES.** Councilmember Caletka advised that he had received an opinion from Mr. Kiar regarding group homes and asked if staff had anything planned regarding permits. Mr. Kiar advised that he would meet with staff and review the relevant documentation.

**CHARTER REVIEW.** Councilmember Caletka stated he was in favor of a Charter review for questions to be on the March 2007 ballot.

**ILLEGAL DUMPING.** Councilmember Caletka spoke of illegal dumping in District 1 and requested a statute of the Town's current fines.

**BERMAN PARK PRESERVE.** Councilmember Caletka advised that he had requested an opinion from Mr. Kiar with regard to the Berman Park Preserve concerning what he felt was an unusually large commission paid out during the time of Mr. Kovanes' employment. Mr. Kiar stated that attorney Sue Delegal was handling issues pertaining to Mr. Kovanes and he thought it was appropriate for Ms. Delegal to respond to Councilmember Caletka's request.

**MAYOR TRUEX**

**CITATIONS.** Mayor Truex thanked Mr. Cohen for citations to residents who ignored the rules.

**MILLAGE RATE.** Mayor Truex was not sure if the Town could roll back the millage rate 100% but he was in favor of rolling back the rate at some point this year.

**CAPITAL BUDGET.** Mayor Truex questioned whether the capital budget included clearing up Linear Park.

**DEROGATORY CARTOON.** Mayor Truex recalled Councilmember Paul's concern at the previous meeting about a derogatory and racist cartoon featuring Councilmember Paul and a Seminole tribal member distributed by Ms. Stenzel-Nowicki. He advised that the Town's Charter gave Council the discretion to remove an individual from the Planning and Zoning Board without cause. Mayor Truex felt this behavior had no place in the Town and requested that Ms. Stenzel-Nowicki's removal from the Planning and Zoning Board be placed on the next agenda for discussion.

Councilmember Caletka felt if there was any animosity between Councilmember Paul and Ms. Stenzel-Nowicki, it was a separate issue. He did not feel there was anything particularly racist in the cartoon. Mayor Truex felt the image was offensive and the Town should not condone it.

Vice-Mayor Crowley did not want the cartoon to be made more public than it already was for the sake of Councilmember Paul. Mayor Truex pointed out it was already a public document. Councilmember Starkey had not seen the cartoon and if this issue was going to be discussed, she would need a copy. She thanked Mayor Truex for coming to the defense of Councilmembers in such instances. Councilmember Caletka was concerned about the protection of free speech.

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**TOWN ADMINISTRATOR'S COMMENTS**

**DISTRICT BOUNDARY REVIEW COMMITTEE.** Mr. Cohen advised that Council consider appointments to a Committee which would come forward at the next meeting. Councilmember Starkey voiced some concerns about the legalities of districting and asked whether the Town should consider an outside professional in this field. Mr. Cohen advised that at the next meeting, a resolution would be presented to have an outside organization provide options to the Board and to Council.

**TEMPORARY USE PERMIT.** Mr. Cohen requested Council's vote on the Davie Merchants and Industrial Association's request for a temporary permit to sell fireworks.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - out of room; Councilmember Starkey - no. (Motion carried 2-2; automatically tabled to June 21, 2006)

**11. TOWN ATTORNEY'S COMMENTS**

No comments were made.

**12. ADJOURNMENT**

There being no further business to discuss and no objections, the meeting was adjourned at 11:40 p.m.

Approved \_\_\_\_\_

\_\_\_\_\_  
Mayor/Councilmember

\_\_\_\_\_  
Town Clerk